

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHNETTE C. LEWIS,

Plaintiff,

vs.

CRICKET WIRELESS, LLC, CRICKET
COMMUNICATIONS, INC., KUM & GO
#361, RING RING MASTER DEALER
LLC, LADARY, INC., PQH WIRELESS,
INC., and DOES 1-5,

Defendants.

8:15CV359

ORDER

Plaintiff motion to amend her complaint to add PQH Wireless, Inc and Ladary, Inc. as Defendants and dismiss Defendant Kum & Go #361. Plaintiff did not attach a copy of the proposed amended complaint for the court to review. (Filing No. 36). The following day, Defendant Kum & Go #361 filing a motion to dismiss, arguing it was not the properly served and is not a proper party. (Filing No. 38).

Plaintiff did not respond to Defendant Kum & Go's motion to dismiss; no defendant responded to Plaintiff's motion to amend. Plaintiff filed an amended complaint without leave of the court on April 19, 2016. This amended complaint names Kum & Go # 361 in the caption but not in the body of the complaint, and it names Ladary, Inc. and PQH Wireless, Inc. in the body of the complaint but not in the caption.

Under the circumstances presented,

IT IS ORDERED:

- 1) Plaintiff's motion to amend is granted. Plaintiff shall file a second amended complaint with a corrected caption on or before April 29, 2016.
- 2) Defendant Kum & Go #361's unopposed motion to dismiss is granted, and Kum & Go #361 is dismissed as a defendant.

April 22, 2016.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge